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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,094	10/08/2003	Yasushi Kasai	03500.017624.	4435
5514 7590 08/30/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER CUTLER, ALBERT H	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 08/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/680,094

Applicant(s)

KASAI, YASUSHI

Examiner

Albert H. Cutler

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to communication filed July 9, 2007. Applicant has canceled claims 1-12. Newly added claims 13-22 are pending in the application and have been examined by the Examiner.

Response to Arguments

2. Applicant's arguments with respect to claims 13-22 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "101" has been used to designate both the image pickup unit and the program memory in figure 1. Applicant states, "Fig. 1 has been amended to change the reference numeral from "101" to "110" for the memory in the Main Control Unit 109." However, the newly submitted Fig. 1 contains no such amendment. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 14 and 19-21 are objected to because of the following informalities: Lack of clarity and precision.

Claims 14 recites, "said reproducing unit finishes the reproduction... if the second button is pressed". However, Step 308 of Figure 3 recites, "terminating reproduction of remaining part of moving image" directly following the press of the second button. The Examiner will interpret claim 14 to read, "said reproducing unit **terminates** the reproduction of remaining part". Appropriate correction is required.

Claims 19 recites, "finishing the reproduction... if the second button is pressed". However, Step 308 of Figure 3 recites, "terminating reproduction of remaining part of moving image" directly following the press of the second button. The Examiner will interpret claim 14 to read, "**terminating** the reproduction of remaining part". Appropriate correction is required.

Claim 19 recites, "A method according to Claim 13". However, upon further examination, the Examiner has determined that Claim 19 is most likely meant to depend from the method of claim 18, as claim 13 is an apparatus claim, and not a method claim.

The Examiner will interpret claim 19 to read, "A method according to Claim 18".

Appropriate correction is required.

Claim 20 recites, "A method according to Claim 13". However, upon further examination, the Examiner has determined that Claim 20 is most likely meant to depend from the method of claim 18, as claim 13 is an apparatus claim, and not a method claim.

The Examiner will interpret claim 20 to read, "A method according to Claim 18".

Appropriate correction is required.

Claim 21 recites, "A method according to Claim 13". However, upon further examination, the Examiner has determined that Claim 21 is most likely meant to depend from the method of claim 18, as claim 13 is an apparatus claim, and not a method claim.

The Examiner will interpret claim 21 to read, "A method according to Claim 18".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 13, 15-18, and 20-22 rejected under 35 U.S.C. 102(e) as being anticipated by Van Den Hoven et al.(US 7,152,210), hereinafter referred to as Hoven.

Consider claim 13, Hoven teaches:

An image processing apparatus(figure 1) comprising:

a reproducing unit which reproduces a part of a moving image from a storage medium during a predetermined reproduction time(See figures 1 and 2, column 3, line 45 through column 4, line 42. Key frames(i.e. parts of moving images) are reproduced in a browsing area of a display. These frames are moved in and out of the display area at a certain speed(i.e. are produced during a predetermined reproduction time), column 4, lines 30-42.); and

a determining unit which determines whether or not a first button is pressed before the predetermined reproduction time is passed(As a frame of a video moves through the display area(i.e. before the predetermined reproduction time is passed), if a button of a mouse is clicked with the pointer over the frame, the video is selected, column 4, lines 53-59.),

wherein said reproducing unit reproduces not only the part of the moving image(i.e. the key frame) but also starts reproduction of the remaining part of the moving image if said determining unit determines that the first button is pressed before the predetermined reproduction time is passed(Column 3, lines 59-64 and column 4, lines 53-59).

Consider claim 15, and as applied to claim 13 above, Hoven further teaches:

a display(104 and 103) unit which displays the part of the moving image(the key frame) reproduced from the storage medium(column 3, lines 45-64), wherein said display unit(104 and 103) displays not only the part of the moving image(the key frame) but also the remaining part of the moving image if said determining unit determines that the first button is pressed before the predetermined reproduction time is passed(Column 3, lines 59-64 and column 4, lines 53-59. See claim 13 rationale.).

Consider claim 16, and as applied to claim 13 above, Hoven further teaches:

An output unit(104 and 103) which outputs(i.e. displays) the part of the moving image(the key frame) reproduced from the storage medium(column 3 lines 45-64), wherein said output unit(104 and 103) outputs not only the part of the moving image(the key frame) but also the remaining part of the moving image if said determining unit determines that the first button is pressed before the predetermined reproduction time is passed(Column 3, lines 59-64 and column 4, lines 53-59. See claim 13 rationale.).

Consider claim 17, and as applied to claim 13 above, Hoven further teaches that the image processing apparatus includes a digital camera(See column 4, lines 2-8).

Consider claim 18, Hoven teaches:

A method for controlling an image processing apparatus(column 3, line 45 through column 4, line 52), said method comprising the steps of:

reproducing a part(i.e. a frame) of a moving image from a storage medium during a predetermined reproduction time(See figures 1 and 2, column 3, line 45 through column 4, line 42. Key frames(i.e. parts of moving images) are reproduced in a browsing area of a display. These frames are moved in and out of the display area at a certain speed(i.e. are produced during a predetermined reproduction time), column 4, lines 30-42.);

determining whether or not a first button is pressed before the predetermined reproduction time is passed(As a frame of a video moves through the display area(i.e. before the predetermined reproduction time is passed), if a button of a mouse is clicked with the pointer over the frame, the video is selected, column 4, lines 53-59.); and

reproducing not only the part of the moving image(i.e. the frame) but also starting reproduction of the remaining part of the moving image if it is determined in said determining step that the first button is pressed before the predetermined reproduction time is passed(Column 3, lines 59-64 and column 4, lines 53-59).

Consider claim 20, and as applied to claim 18 above, Hoven further teaches:

displaying the part of the moving image reproduced from the storage medium(column 3, lines 45-64); and

displaying not only the part of the moving image but also the remaining part of the moving image if it is determined in said determining step that the first button is pressed before the predetermined reproduction time is passed(Column 3, lines 59-64 and column 4, lines 53-59. See claim 18 rationale.).

Consider claim 21, and as applied to claim 18 above, Hoven further teaches:

Outputting(i.e. displaying) the part of the moving image reproduced from the storage medium(column 3, lines 45-64); and

outputting not only the part of the moving image but also the remaining part of the moving image if it is determined in said determining step that the first button is pressed before the predetermined reproduction time is passed(Column 3, lines 59-64 and column 4, lines 53-59. See claim 18 rationale.).

Consider claim 22, and as applied to claim 18 above, Hoven further teaches that the image processing apparatus includes a digital camera(See column 4, lines 2-8).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
9. Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoven et al.(US 7,152,210) in view of Parulski et al.(US 2003/0184656).

Consider claim 14, and as applied to claim 13 above, Hoven teaches of reproducing a moving image(column 3, lines 59-64), but does not explicitly teach that the reproduction of the moving image is terminated upon the press of a second button.

Parulski et al. are similar to Hoven in that Parulski et al. teach of reproducing a part of a moving image(paragraph 0055, figure 5A), and of starting the reproduction of the rest of the moving image when a button("play icon", 522) is pressed(paragraphs 0055-0057).

In addition to Hoven, Parulski et al. teach that a determining unit determines whether or not a second button(stop, 534, 386, figure 5B) is pressed during the reproduction of the remaining part of the moving image, and said reproducing unit terminates the reproduction of remaining part of the moving image if said determining unit determines that the second button is pressed during the reproduction of the remaining part of the moving image(paragraphs 0057 and 0058).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include a second button as taught by Parulski et al. for terminating the reproduction of the moving image as taught by Hoven for the benefit of creating a more versatile device in which the user has the ability to stop a video reproduction at desired locations.

Consider claim 19, and as applied to claim 18 above, Hoven teaches of reproducing a moving image(column 3, lines 59-64), but does not explicitly teach that the reproduction of the moving image is terminated upon the press of a second button.

Parulski et al. are similar to Hoven in that Parulski et al. teach of reproducing a part of a moving image(paragraph 0055, figure 5A), and of starting the reproduction of the rest of the moving image when a button("play icon", 522) is pressed(paragraphs 0055-0057).

In addition to Hoven, Parulski et al. teach of determining whether or not a second button(stop, 534, 386, figure 5B) is pressed during the reproduction of the remaining part of the moving image(paragraphs 0057 and 0058); and

terminating the reproduction of remaining part of the moving image if it is determined in said determining step that the second button is pressed during the reproduction of the remaining part of the moving image(paragraphs 0057 and 0058).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include a second button as taught by Parulski et al. for terminating the reproduction of the moving image as taught by Hoven for the benefit of creating a more versatile device in which the user has the ability to stop a video reproduction at desired locations.

Conclusion

10. The objections made by the Examiner to the specification and figure 1 of the drawings are hereby removed in view of Applicant's response.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

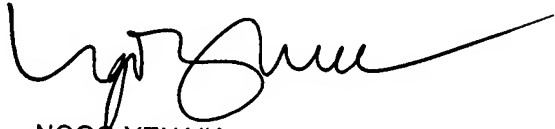
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC



NGOC-YEN VU
SUPERVISORY PATENT EXAMINER